

**Town of Foxborough  
Conservation Commission Minutes  
May 24, 2010**

**Members present:** Bob Boette (Chairman), Alan Curtis (Vice Chairman), Judi Johnson, Jim Marsh and Eric Nelson

**Absent:** Harold Blomberg and Doug Davis  
Bill Hocking, Interim Conservation Manager

**Also present:** Jane Sears Pierce, Conservation Manager

**Meeting Opened**

Bob Boette opened the meeting, which was held in the Selectmen’s Meeting Room in Town Hall, at 7:00 p.m.

**Public Comment - 3 Clarendon Street, DEP #157-443**

The homeowner of 3 Clarendon Street, a newly constructed home, came to the meeting to speak during the Public Comment period. He explained to the Commission that he wants to move a stone wall to the site’s Order of Conditions’ required split rail fence, which is located at the 25 foot no disturb zone’s boundary. This is the second time that this homeowner has come to the Commission with this request. Bob and Eric indicated that they would meet at the property on Thursday evening at 6:00 to view the area; Jane was also asked to re-visit the site. The Commission will discuss the homeowner’s request during their next meeting.

**Healthy Futures Community Garden, Hockomock Area YMCA**

Kimberly Cohen and Caitlin Hurley from the Hockomock Area YMCA were in attendance to discuss the conservation properties that they believed would be the best sites for their community garden project and wanted to know the next steps they would need to take to start their project.

Kimberly explained that the Healthy Futures Community Garden program has been developed to help reduce the growing problem with childhood obesity and to help people make more nutritious choices. The program has received a \$300,000 grant over three years from Stop and Shop, from which the YMCA has been able to offer \$25,000 grants for groups (boy scouts, etc.). With this program, they want to reverse childhood obesity within a generation. They applied for an internal grant of \$5,000 to pay for staffing and programming of garden-related activities on conservation land. They formed a CSA (Community Supported Agriculture) and will sell shares to people who will be able to pick up vegetables whenever they dropping off or picking up their children at the “Y.” The goal for this project is to create an income generating and self supporting program.

Since the 2010 gardening season is already underway, the garden’s actual construction needs to start as soon as possible. They have spoken to the Water Department staff about the various properties and how they would be able to have access to water at the sites.

Bob opined that the conservation property off of Mechanic, adjacent to Buckley Lane, would be the best option for their garden. There would be sufficient parking (the gate could be opened for temporary field parking, or they might be able to park on Buckley Lane) and a source of water available might be available from a Buckley Lane hydrant or homeowner (the Y offered to pay for all water bills, if a homeowner would allow them to use their water). He spoke to a local farmer, Eddie Lawton, at length, about the YMCA’s proposed project and Mr. Lawton recommended that the easiest place for them to start would be the Mechanic Street site. Mr. Lawton also offered to turn over the soil and put down fertilizer for their project. Caitlin indicated that the Mechanic Street site would be within walking distance of the YMCA.

Eric recommended notifying the Buckley Lane residents and Judi agreed, adding that it might be a good idea for Kimberly to prepare a presentation about the “Y’s” project and hold a meeting with abutters to explain about the project and give them opportunities to ask questions.

Going forward, Kimberly was instructed to talk to Eddie Lawton and the Water Department, contact the abutters, draw up a contract as well as conservation land usage rules and regulations (for Commission’s review and approval), and to report back to Jane via email about her progress. Kimberly agreed, adding that she would attend the June 14 meeting to review her progress.

**Motion** was made by Judi Johnson to allow the YMCA to move forward with the next step towards using the Mechanic Street conservation area for the site of their proposed Healthy Futures Community Garden. Allen seconded. **Vote: 4:0:0.**

**DEP #157-170, Request for OoC Extension, Cocasset Lake Herbicide Treatment**

The applicant’s representative, Will Stevenson (President of Lycott Environmental Inc.), and Tony Gilby and Susan Winsor, Cocasset Lake property owners and Cocasset Lake Association representatives, were present to provide information and answer the Commission’s questions relative the Cocasset Lake herbicide treatment program.

Tony Gilbert gave the Commission some historical information about Cocasset Lake, which was dammed/created in 1813, as well as the Association, which was established in 1940. They have been treating the lake since 1965. He explained that in the 1970’s, he contacted Lycott Environmental to discuss pondweed management methods, especially the Variable Milfoil (*Myriophyllum heterophyllum*) infestation. A biological survey of the lake was taken to identify the nuisance species and areas of infestation, followed by an evaluation of potential management options, including aeration, dredging, mechanical harvesting, hand harvesting, lake-level drawdown, biological methods and the use of aquatic herbicides. Of all the methods, the only practical ones for Cocasset Lake were lake-level drawdown and the use of aquatic herbicides.

Mr. Stevenson (who bought the business one year ago) continued, explaining that the lake-level drawdown was not totally effective since it caused more weed problems in deeper parts of the lake. In addition, due to the lake’s bathymetry, vast areas of sediment become exposed, which negatively impacts many aquatic organisms.

The most effective option is the use of aquatic herbicides (Diquat Dibromide [“Reward”]), which allows Lycott to target the species of plants and area(s) in the lake that need to be treated. Mr. Stevenson explained that they always use EPA registered and state-approved aquatic herbicides and that they apply for, and receive an annual “License to Apply” these herbicides from the DEP’s Division of Watershed Management. He explained that if, for example, there are 10 acres of milfoil, only 10 acres (x 1 gallon per surface area of weeds, or 10 gallons) would be spot treated. In the past, they have used as few as 5 gallons and as many as 30 gallons of herbicide per year. Mr. Stevenson indicated that the potential negatives to using herbicides is that non-target plants could be killed, adding that each plant type has a specific recommended application rate.

Jane recommended extending the current OoC and then drafting an amended Order of Conditions, with the additional conditions that a management plan with details about what is done at the lake, and requiring a Wildlife Habitat Survey since one would be need if a new NOI was filed. The Commission agreed, advising Mr. Gilby that, going forward, they wanted to be kept in the loop about future lake management activities, including type of activities, chemicals to be used, etc.

**Motion** was made by Judi Johnson to extend the Bylaw Order of Conditions for DEP #157-170 for one year and then amending/updating the Order of Conditions with additional conditions including (1) requiring a lake management plan, detailing work to be performed and chemicals used, and (2) requiring a Wildlife Habitat Survey. Seconded by Eric Nelson. **Vote: 4:0:0**

**Continuance, Request for Determination, 30 Creighton Avenue**

The proposed installation of a non-permanent dock on the Neponset Reservoir was given further consideration after research of the Commission’s NOI files uncovered only one filing for a dock on the Neponset Reservoir; no RFDS were found. In the one NOI filing, the Minutes indicated that 64 square feet of BVW would be altered and that the proposed work included “clearing of a 6 foot wide, 9 foot long path, starting from the existing path and running to the edge of the water.”

Jane believed that the previous filing was very different than the current RFD filing, specifically; Mr. Scott’s property will not be altered. She once again recommended issuing a Negative Determination for this filing. Eric stated that he was not comfortable with issuing a negative determination for the current RFD. Judi questioned whether the installation of a dock would be considered a “fill” or a shading issue. Jane thought that the Commission should have guidelines for the installation of docks. Allan opined that a policy was necessary only if the disturbance of previously unaltered land was being proposed.

**Motion** was made by Judi Johnson for a Negative Determination (#3 and #6). Seconded by Allan Curtis. **Vote: 3:1:0**

**Proposed Eagle Scout Project in the Greely’s Pond Area, Max Guy**

Max Guy and his troop leader/mentor were present to discuss Max’s proposed project, building a foot bridge (approximately 8” high and 12-15 feet long) at the trailhead to Greely’s Pond. He chose this project because each spring the pond floods and spills across the existing trail, making it impossible to cross without getting wet. Also, trail erosion caused by the overflow of water has exposed a number of gnarled roots, which present a trip hazard to anyone wishing to access the property. Max brought a handout describing his plan, which included pictures.

Bob asked Max if he had contacted Mr. McNichols from Norfolk County; Max replied that he had received a “go ahead” from him, but now needed the Commission’s go ahead before beginning to draft his formal proposal. Judi asked Max how wide his proposed bridge would be; Max replied that it would be three to four feet wide. Bob suggested making the bridge too narrow for an ATV to cross. When asked whether the bridge installation would damage the exposed roots, Max believed that it would not. All agreed that this bridge would be an improvement to the area.

**Motion** was made by Eric Nelson to approve Max’s proposed plan concept with the conditions that the bridge be too narrow for an ATV to cross and that the tree roots shall not be damaged. Seconded by Allan. **Vote: 4:0:0**

**DEP #157-466, 119 Morse St., “Willow Grove”**

Review of additional information, submitted by National Grid; including the removal of old and installation of new utility poles, which would cause minimal disturbance.

Jane thought that the Commission should follow their newest (OoC) condition about Plan Changes and find the changes either:

1. to be insignificant and then notify the applicant in writing,
2. to deviate significantly from the original plans and require an Amended Order of Conditions, or
3. to be significant and require the filing of a new Notice of Intent.

Jane recommended making a finding that the changes were insignificant and to notify the applicant in writing, referring to the revised plans, including the plan’s ID#, and to attach a copy of the letter to the file’s OoC, as a paper trail.

**Motion** made by Jim March to find National Grid’s proposed plan revision for DEP #157-466 to be insignificant and to notify the applicant in writing of same. Seconded by Eric Nelson. **Vote: 4:0:0**

Draft Meeting Minutes – reviewed by JSP

### **Documents to be Signed**

#### **DEP #157-469, 45 Lakeview Road**

**Motion** was made by Judi Johnson to issue a one year (Bylaw) Order of Condition Extension Permit for DEP File #157-469. Seconded by Allan Curtis. **Vote: 4:0:0.**

#### **DEP #157-488, 78 Cocasset Street**

**Motion** was made by Eric Nelson to issue an Order of Condition for DEP #157-488. Seconded by Allan Curtis. **Vote: 4:0:0.**

### **Discussion/Review**

- **Nadia Estates Vernal Pool** – Bob asked Jane if the Commission had received a certification number for the pool and Jane reported that they had not. Bob expressed concern that without an assigned number, the pool would be at risk of being de-certified. Jane read from her telephone conversation notes with Lisa MacGillivray, NHESP, who had told her that they are still having data base problems at NHESP, but that the pool is certified. Jane also informed her of Gary Makuch’s (DEP) recent site visit, when she (and he) had heard some very cold wood frogs calling from the pool. Lisa told Jane to let her know if there were any problems.

Bob told the Commission about the ZBA’s recent continued hearing on Nadia Estates; he and Judi had attended the meeting. He had reviewed Jane’s ZBA comment memo, dated 5/19/10, with the ZBA and spoke specifically about the “proposed overflow culvert” that was shown in the area directly behind the Randall’s house. Reportedly, this pipe would act as an overflow (unclear from where?) in the event of another significant flood. Bob had informed the applicant that this would not be allowed under the WPA. Bob informed the Commission that the next two ZBA meetings would be on June 10 and June 17.

- **Bylaw Extension Form Format Change** - After reviewing the legal requirements of the Wetland Program and the Mass. Deed Indexing Standards (1/2008) and associated provisions of Appendix A: Documents Requiring Acknowledgement, the DEP found no statutory or regulatory requirements for Acknowledgements (Notary stamps) on their forms prior to recording. Jane recommends removing the Notary block from the Commission’s Bylaw forms as well; the Commission agreed.
- **Commissioner Re-appointments** – Bob spoke with Linda Walsh (BoS), who told him that it would not be necessary for all three of the Commissioners who were up for reappointment to attend Tuesday’s Selectmen’s meeting. Bob will attend representing the Commission.
- **Summer Social** – Bob invited everyone to his place down in South Harbor for a summer get together. The target date is August 28. Bob will provide meat and drinks and asked everyone else to bring a vegetable.
- **Neponset Dam Board Placement** – last board is now in place.
- **Cub Scout Pack 70 Fishing Derby Cocasset River Park**, July 24 – Bob asked Judy to invite the cub master to attend a meeting to make a formal request.

**Motion** was made by Judi Johnson to adjourn. Seconded by Allan Curtis. **Vote: 4:0:0**

**The meeting adjourned at 9:30 p.m.**

Draft minutes submitted by: Judy Leahy on 5/26/10  
Approved by Commission: